

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 173 be amended to read as follows:

1 Page 8, line 7, after "IC 11-13-1-3.5(3)." insert "**Rules adopted by**
2 **the board to certify handgun safety courses offered in the private**
3 **sector must require that those courses include information**
4 **concerning the rights of citizens under IC 34-28-7.**"

5 Page 10, between lines 27 and 28, begin a new paragraph and insert:
6 "SECTION 4. IC 34-6-2-46.7 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 46.7. "Firearm", for
8 purposes of **IC 34-28-7 and** IC 34-30-20, has the meaning set forth in
9 IC 35-47-1-5.

10 SECTION 5. IC 34-6-2-49 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 49. (a) "Governmental
12 entity", for purposes of section 91 of this chapter, IC 34-13-2,
13 IC 34-13-3, and IC 34-13-4, means the state or a political subdivision
14 of the state.

15 **(b) "Governmental entity", for purposes of section 103(j) of this**
16 **chapter, means the state or a political subdivision of the state.**

17 SECTION 6. IC 34-6-2-103 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 103. (a) "Person", for
19 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

20 (b) "Person", for purposes of IC 34-24-4, means:

- 21 (1) an individual;
22 (2) a governmental entity;
23 (3) a corporation;
24 (4) a firm;

- 1 (5) a trust;
- 2 (6) a partnership; or
- 3 (7) an incorporated or unincorporated association that exists
- 4 under or is authorized by the laws of this state, another state, or a
- 5 foreign country.
- 6 (c) "Person", for purposes of section 44.8 of this chapter, means an
- 7 adult or a minor.
- 8 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
- 9 in IC 35-41-1-22.
- 10 (e) "Person", for purposes of IC 34-30-5, means any of the
- 11 following:
- 12 (1) An individual.
- 13 (2) A corporation.
- 14 (3) A partnership.
- 15 (4) An unincorporated association.
- 16 (5) The state (as defined in IC 34-6-2-140).
- 17 (6) A political subdivision (as defined in IC 34-6-2-110).
- 18 (7) Any other entity recognized by law.
- 19 (f) "Person", for purposes of IC 34-30-6, means an individual, a
- 20 corporation, a limited liability company, a partnership, an
- 21 unincorporated association, or a governmental entity that:
- 22 (1) has qualifications or experience in:
- 23 (A) storing, transporting, or handling a hazardous substance or
- 24 compressed gas;
- 25 (B) fighting fires;
- 26 (C) emergency rescue; or
- 27 (D) first aid care; or
- 28 (2) is otherwise qualified to provide assistance appropriate to
- 29 remedy or contribute to the remedy of the emergency.
- 30 (g) "Person", for purposes of IC 34-30-18, includes:
- 31 (1) an individual;
- 32 (2) an incorporated or unincorporated organization or association;
- 33 (3) the state of Indiana;
- 34 (4) a political subdivision (as defined in IC 36-1-2-13);
- 35 (5) an agency of the state or a political subdivision; or
- 36 (6) a group of such persons acting in concert.
- 37 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this
- 38 chapter, means an individual, an incorporated or unincorporated
- 39 organization or association, or a group of such persons acting in
- 40 concert.
- 41 (i) "Person", for purposes of IC 34-30-10.5, means the following:
- 42 (1) A political subdivision (as defined in IC 36-1-2-13).
- 43 (2) A volunteer fire department (as defined in IC 36-8-12-2).
- 44 (3) An employee of an entity described in subdivision (1) or (2)
- 45 who acts within the scope of the employee's responsibilities.
- 46 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is

1 acting for a volunteer fire department.

2 (5) ~~After March 31, 2002;~~ A corporation, a limited liability
3 company, a partnership, an unincorporated association, or any
4 other entity recognized by law.

5 **(j) "Person", for purposes of IC 34-28-7, means:**

6 **(1) an individual;**

7 **(2) a governmental entity;**

8 **(3) a corporation;**

9 **(4) a firm;**

10 **(5) a trust;**

11 **(6) a partnership; or**

12 **(7) an incorporated or unincorporated association that exists**
13 **under or is authorized by the laws of this state, another state,**
14 **or a foreign country.**

15 SECTION 7. IC 34-6-2-140 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 140. "State":

17 (1) for purposes of **section 49(b) of this chapter and** IC 34-13-3,
18 means Indiana and its state agencies; and

19 (2) for purposes of sections 48.5 and 71.7 of this chapter and
20 IC 34-26-5, has the meaning set forth in IC 1-1-4-5.

21 SECTION 8. IC 34-28-7 IS ADDED TO THE INDIANA CODE AS
22 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
23 1, 2009]:

24 **Chapter 7. Possession of Firearms in Locked Vehicles**

25 **Sec. 1. This chapter applies only to possession of a firearm by an**
26 **individual who may legally possess a firearm.**

27 **Sec. 2. (a) Notwithstanding any other law and except as**
28 **provided in subsection (b), a person may not adopt or enforce a**
29 **policy or rule that:**

30 **(1) prohibits; or**

31 **(2) has the effect of prohibiting;**

32 **an individual from possessing a firearm that is locked in the**
33 **individual's vehicle while the vehicle is in or on the person's**
34 **property.**

35 **(b) Subsection (a) does not prohibit the adoption or enforcement**
36 **of a policy or rule that prohibits, or has the effect of prohibiting, an**
37 **individual from possessing a firearm:**

38 **(1) in or on school property, in or on property that is being**
39 **used by a school for a school function, or on a school bus in**
40 **violation of IC 20-33-8-16 or IC 35-47-9-2;**

41 **(2) on the property of:**

42 **(A) a child caring institution;**

43 **(B) an emergency shelter care child caring institution;**

44 **(C) a private secure facility;**

45 **(D) a group home; or**

46 **(E) an emergency shelter care group home;**

47 **in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465**

IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;

(3) on the property of a penal facility (as defined in IC 35-41-1-21);

(4) in violation of federal law; or

(5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b)).

Sec. 3. (a) An individual may bring a civil action to enforce section 2 of this chapter.

(b) If a person violates section 2 of this chapter, the court, in an action brought under subsection (a), may do the following:

(1) Award:

(A) actual damages; and

(B) court costs and attorney's fees;

to the prevailing individual.

(2) Enjoin further violations of this chapter.

Sec. 4. This chapter does not limit a person's rights or remedies under any other state or federal law.

Sec. 5. A person is not liable for any injury or damage resulting from the person's compliance with section 2 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 173 as printed April 10, 2009.)

Representative Messmer